

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ELMER LEE JEFFERSON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:07CV00033 ERW
)	
TONY SMITH, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis on appeal. The motion will be denied.

On August 20 2007, the Court entered an Order dismissing this action after a finding that the complaint was legally frivolous and/or failed to state a claim upon which relief could be granted. The Court certified in that Order that an appeal from it would not be taken in good faith.

Under 28 U.S.C. § 1915(a)(3), "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." The Court has so certified, and plaintiff's motion to proceed in forma pauperis on appeal will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis on appeal is **DENIED** with prejudice.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, plaintiff shall pay to this Court the full \$455 filing and docketing fees for filing an appeal. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

IT IS FURTHER ORDERED that plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

IT IS FURTHER ORDERED that the Clerk shall forward a copy of this order to the United States Court of Appeals for the Eighth Circuit in accordance with Fed. R. App. P. 24(a)(4).

So Ordered this 20th Day of November, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE